Calendar No. 139

99TH CONGRESS
1st Session

SENATE

REPORT
99-61

CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATION

MAY 16 (legislative day APRIL 15), 1985.—Ordered to be printed

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Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1084]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1084) to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

S. 1084, as reported, authorizes appropriations for the operations of the Corporation for Public Broadcasting (CPB). It authorizes $200 million for fiscal year 1987, $214 million for fiscal year 1988, $228 million for fiscal year 1989, and $244 million for fiscal year 1990. S. 1084 also authorizes appropriations for the Public Telecommunications Facilities Program (PTFP). It authorizes $24 million for each of the fiscal years 1986, 1987, and 1988.

BACKGROUND AND NEEDS

The CPB is a private, nonprofit corporation organized under the laws of the District of Columbia. In 1967, Congress authorized its establishment to foster the growth and development of high-quality programs for and by public radio and television broadcasters (Public Law 90-129). CPB is to act as the public trustee for funds appropriated pursuant to the Public Broadcasting Act of 1967. CPB's responsibilities include the full development of public telecommunications services for the American people while providing a "heat shield" against undue interference or control of programs by

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the government or any other source of funds or services. CPB is the principal entity accountable to the people through the Congress for the prudent expenditure of appropriated funds and the public interest privileges made available to public broadcasting entities pursuant to the Communications Act of 1934.

The PTFP provides grants for broadcast equipment and other telecommunications "hardware." This program is administered by the Nationl Telecommunications and Information Administration (NTIA) of the Department of Commerce.

In 1975, Congress agreed to appropriate funds CPB operations 2 years in advance of their use to allow longrange program development and to provide an added measure of insulation from Federal control over or interference with program decisions Public Law 94-192). In 1978 and in 1981, Congress reauthorized appropriations for CPB for 3 additional fiscal years (Public Law 95-567; Public Law 97-35) and made substantial changes in the law to improve service to the public and ensure accountability of public funds.

The 1981 reauthorization legislation curtailed Federal support for public broadcasting in view of overall Federal budget constraints. For CPB, Congress authorized $130 million for each of fiscal years 1984, 1985, and 1986. For PTFP, Congress authorized $20 million for fiscal year 1982, $15 million for fiscal year 1983, and $12 million for fiscal year 1984. At the same time, Congress sought to stimulate alternatives to Federal funding and allowed public broadcasting stations greater freedom to engage in commercial ventures for support. The 1981 authorization also established the Temporary Commission on Alternative Financing to explore financing alternatives for public broadcasting.

In 1983, Congress passed a supplemental authorization bill, which increased the authorizations for CPB to $145 million for fiscal year 1984, $153 million for fiscal year 1985, and $162 million for fiscal year 1986 (Public Law 98-214).

In 1984, the Committee considered S. 2436, authorization legislation that was introduced by Senator Goldwater (with Senators Stevens, Hollings, Inouye, and Ford) on March 19, 1984. Based upon hearings on S. 2436 and upon the findings of the Temporary Commission, the Committee found that alternative financing mechanisms have not developed to the point where they can replace or substantially supplement Federal support for public broadcasting. S. 2436 therefore provided authorization levels that were substantially higher than those provided by the 1981 legislation. For CPB, S. 2436 authorized $238 million for fiscal year 1987, $253 million for fiscal year 1988, and $270 million for fiscal year 1989. For PTFP, it authorized $50 million for fiscal year 1985, $53 million for fiscal year 1986, and $56 million for fiscal year 1987.

S. 2436 was ordered reported by the Committee on April 10, 1984, and passed the Senate on June 15, 1984. S. 2436 was passed by the House on August 8, 1984, with an amendment in the nature of a substitute that was unrelated to the Senate's authorization levels. On August 9, 1984, the Senate agreed to the House amendments. On August 29, 1984, the President vetoed S. 2436. The veto message stated that S. 2436 authorized funding levels that were "incompatible with the clear and urgent need to reduce Federal spending."

As a result of this veto, on September 20, 1984, the Senate passed new authorizing legislation by amending S. 607 with an amendment in the nature of a substitute. This substitute incorporated the basic text of S. 2436, with lower authorization levels. For CPB, S. 607 authorized $200 million for fiscal year 1987, $225 million for fiscal year 1988, and $250 million for fiscal year 1989. For PTFP, it authorized $25 million for fiscal year 1985, $35 million for fiscal year 1986, and $40 million for fiscal year 1987. S. 607 passed the House on October 5, 1984, but was pocket vetoed by the President on October 22, 1984.

The Committee retains its strong support for our Nation's public broadcasting system, and recognizes that this system still needs adequate Federal funding. At the same time, the Committee is well aware of Federal budget constraints, and has endeavored to strike an appropriate balance in S. 1084. The authorization levels in S. 1084 are well below those in S. 2436 and S. 607, and the Committee believes these levels provide the minimum amount that will allow CPB and PTFP to fulfill adequately their important functions.

Legislative History

S. 1084 was introduced by Senator Goldwater on May 7, 1984. This bill is based upon S. 2436 and S. 607, which were passed by the Congress in 1984. On May 9, 1985, the Committee ordered S. 1084 to be reported favorably.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, May 10, 1985.

Hon. John C. Danforth,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate for S. 1084, to authorize appropriations for the Corporation for Public Broadcasting and for other purposes, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on May 9, 1985.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

With best wishes,
Sincerely,

Rudolph G. Penner, *Director.*

Congressional Budget Office Cost Estimate

1. Bill number: H.R. 1084.
2. Bill title: To authorize appropriations for the Corporation for Public Broadcasting and for other purposes.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation on May 9, 1985.

4. Bill purpose: This bill authorizes appropriations for the Public Telecommunications Facilities in fiscal years 1986 through 1988 and for the Corporation for Public Broadcasting in fiscal years 1987 through 1990. This bill is subject to subsequent appropriations action.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990
Public Telecommunications Facilities:					
Authorization Level	24	24	24		
Outlays	2	17	22	22	7
Corporation for Public Broadcasting:					
Authorization Level		200	214	228	244
Outlays		200	214	228	244
Total:					
Authorization Level	24	224	238	228	244
Outlays	2	217	236	250	251

The costs of this bill would fall in budget function 500.

Basis for estimate: The authorization levels for all years are stated in this bill. This estimate assumes full appropriation of the authorization levels. Outlays are based on historical spending patterns.

6. Estimated cost to State and local Governments: The budgets of state and local governments would not be affected directly by the enactment of this bill.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Stacey Sheffrin.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

S. 1084 reauthorizes the PTFP for 3 additional fiscal years. Section 2 of the bill strikes section 393(c) from the Communications Act of 1934, which directs that not less than 75 percent of program funds shall be available for new public telecommunications facilities that will reach unserved areas. The existing statutory criteria for the approval of grant applications are unchanged, and elimination of the 75 percent allocation will have minimal regulatory impact.

Section 3 of S. 1084 reauthorizes funds for the CPB, a nonprofit private corporation. Because the corporation is not an agency of the Federal Government, reauthorization does not have a regulatory impact.

Section 4 of S. 1084 repeals section 396(k)(8) of the act, striking the unrelated business income tax penalty provision. Elimination of this provision will thereby reduce regulation of public telecommunications entities that receive CPB funds.

There should be no economic impact or impact on personal pricacy as a result of enactment of S. 1084.

Section-by-Section Analysis

SECTION 1

The first section amends section 391 of the Communications Act of 1934, to reauthorize the PTFP for 3 additional fiscal years. S. 1084 authorizes $24 million for each of fiscal years 1986, 1987, and 1988.

SECTION 2

Section 2 amends section 393 of the 1934 Act by striking subsection (c), which provides that not less than 75 percent of program funds shall be available for new public telecommunications facilities that will reach unserved areas. By striking this 75 percent allocation guideline, the Committee intends that the administrators of the program have flexibility to use a greater proportion of funds for replacement or rebuilding of equipment in existing public telecommunications facilities. The release of additional funds for this purpose will help prevent service to the public from being disrupted by failures or breakdowns in aging equipment.

In approving grants, the NTIA shall continue to follow the criteria set forth in section 393(b) of the 1934 Act, which remain unchanged by this legislation.

SECTION 3

Section 3(a) amends section 396(k)(1)(c) of the 1934 Act to reauthorize appropriations for the operations of CPB for 4 additional fiscal years. S. 1084 authorizes $200 million for fiscal year 1987, $214 million for fiscal year 1988, $228 million for fiscal year 1989, and $244 million for fiscal year 1990. The committee excepts that CPB will remain mindful of its obligation to provide service to remote and unserved areas of the Nation. CPB should continue to work with the public broadcasting community to make this service available to 100 percent of the Nation's population, including those who presently must receive this service through home satellite earth stations.

Section 3(b) amends section 396(k)(3)(a)(i)(II) of the 1934 Act to strike the words "research, training, technical assistance, engineering, instructional support, payment of interest on indebtedness." This amendment is intended to provide CPB with greater flexibility to use the funds allocated to it to meet the evolving needs of public broadcasting. In providing CPB with this flexibility, the Committee does not intend to preclude CPB from providing funds for research, training, technical assistance, engineering, instructional support, and payment of interest on indebtedness. Capital costs relating to telecommunications satellites, the payment of programming royal-

ties and other fees, and the costs of interconnection facilities remain specified obligations of CPB under this subclause.

SECTION 4

Section 4 amends section 396(k) of the 1934 Act to strike paragraph (8). Paragraph (8) currently requires that public broadcasting entities, if they file income tax returns declaring unrelated business income from commercial activities permitted under the 1934 Act, must refund to CPB an amount equal to the unrelated business income tax paid. The committee believes this provision has discouraged public broadcasting entities from generating additional non-Federal revenues.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enlcosed in black brackets, new material is printed in italic, existing law in which not change is proposed is shown in roman):

THE COMMUNICATIONS ACT OF 1934

SECTION 391 OF THAT ACT

AUTHORIZATION OF APPROPRIATIONS

SEC. 391. There are authorized to be apporpriated $40,000,000 for each of the fiscal years 1979, 1980, and 1981, $20,000,000 for fiscal year 1982, $15,000,000 for fiscal year 1983, [and] $12,000,000 for fiscal year 1984, *and $24,000,000 for each of the fiscal years 1986, 1987, and 1988,* to be used by the Secretary of Commerce to assist in the planning and construction of public telecommunicatiosn facilites as provided in this subpart. Sums appropriated under this subpart for any fiscal year shall remain available until expended for payment of grants for projects for which applications approved by the Secretary pursuant to this subpart have been submitted within such fiscal year. Sums appropriated under this subpart may be used by the Secretary to cover the cost of administering the provisions of this subpart.

SECTION 393 OF THAT ACT

CRITERIA FOR APPROVAL AND EXPENDITURES BY SECRETARY OF COMMERCE

SEC. 393. (a)–(b) * * *

[(c) Of the funds appropriated pursuant to section 391 for any fiscal year, not less than 75 percent shall be available to extend delivery of public telecommunications services to areas not receiving such services through grants for facilities of new and existing public telecommunications entities, and preopertational expenses associated with such facilities. In choosing among applicants for grants, the Secretary shall compare the advantages of alternate technologies on the basis of costs and benefits.]

[(d)] *(c)* Of the sums appropriated pursuant to section 391 for any fiscal year, a substantial amount shall be available for the expansion and development of noncommercial radio broadcast station facilities.

SECTION 396 OF THAT ACT

SEC. 396. (a)–(j) * * *

FINANCING; OPEN MEETINGS AND FINANCIAL RECORDS

(k)(1)(A)–(B) * * *

(C) There is authorized to be appropriated to the Fund, for each of the fiscal years 1981, 1982, 1983, 1984, 1985, [and 1986,] *1986, 1987, 1988, 1989, and 1990* an amount equal to 50 percent of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year, except that the amount so appropriated shall not exceed $180,00,000 for fiscal year 1981, $200,000,000 for fiscal year 1982, $220,000,000 for fiscal year 1983, $145,000,000 for fiscal year 1984, $153,000,000 for fiscal year 1985, [and] $162,000,000 for fiscal year 1986, *$200,000,000 for fiscal year 1987, $214,000,000 for fiscal year 1988, $228,000,000 for fiscal year 1989, and $244,000,000 for fiscal year 1990.*

(2) * * *

(3)(A)(i) The Corporation shall establish an annual budget for use in allocating amounts from the Fund. Of the amounts appropriated into the Fund available for allocation for any fiscal year—

(I) not more than 5 percent of such amounts shall be available for the administrative expenses of the Corporation.

(II) not less than 5 percent of such amounts shall be available for other expenses incurred by the Corporation, including [research, training, technical assistance, engineering, instructional support, payment of interest on indebtedness,] capital costs relating to telecommunications satellites, the payment of programming royalties and other fees, and the costs of interconnection facilities and operations (as provided in clause (iv)(I)), except that the total amount available for obligation for any fiscal year under this subclause and subclause (I) shall not exceed 10 percent of the amounts appropriated into the Fund available for allocation for such fiscal year;

(III) 75 percent of the remainder (after allocations are under subclause (I) and subclause (II)) shall be allocated in accordance with clause (ii)(I); and

(IV) 25 percent of such remainder shall be allocated in accordance with clause (iii).

(ii)–(v) * * *

(B)–(D) * * *

(4)–(7) * * *

[(8) Any public telecommunications entity which—

[(A) receives any funds pursuant to this subpart for any fiscal year; and

[(B) during such fiscal year has filed or was required to file a return with the Internal Revenue Service declaring unrelated business income related to station operations under sections 501, 511,

and 512 of the Internal Revenue Code of 1954; shall refund to the Corporation an amount equal to the amount of unrelated business income tax paid as stated in such filed return.]

[(9)] *(8)*(A) Funds may not be distributed pursuant to this subpart to any public broadcast station (other than any station which is owned and operated by a State, a political or special purpose subdivision of a State, or a public agency) unless such station establishes a community advisory board. Any such station shall undertake good faith efforts to assure that (i) its advisory board meets at regular intervals; (ii) the members of its advisory board regularly attend the meetings of the advisory board; and (iii) the composition of its advisory board are reasonably representative of the diverse needs and interests of the communities served by such station.

(B), (C) [Unchanged]

(D) In the case of any public broadcast station (other than any station which is owned and operated by a State, a political or special purpose subdivision of a State, or a public agency) in existence on the effective date of this paragraph, such station shall comply with the requirements of this paragraph with respect to the establishment of a community advisory board not later than 180 days after such effective date.

(E) The provision of subparagraph (A) prohibiting the distribution of funds to any public broadcast station (other than any station which is owned and operated by a State, a political or special purpose subdivision of a State, or a public agency) unless such station establishes a community advisory board shall be the exclusive remedy for the enforcement of the provisions of this paragraph.

[(10)] *(9)* Funds may not be distributed pursuant to this subsection to the Public Broadcasting Service or National Public Radio (or any successor organization) unless assurances are provided to the Corporation that no officer or employee of the Public Broadcasting Service or National Public Radio (or any successor organization), as the case may be, will be compensated at an annual rate of pay which exceeds the rate of basic pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code, and unless further assurances are provided to the Corporation that no officer or employee of such an entity will be loaned money by that entity on an interest-free basis.

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Calendar No. 141

99TH CONGRESS
1st Session

SENATE

REPORT
99-63

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION

MAY 16 (legislative day, APRIL 15), 1985.—Ordered to be printed

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Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany S. 999]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 999) to amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill do pass.

PURPOSE

The legislation authorizes appropriations for the Federal Communications Commission (FCC) of $98,100,000 for fiscal year 1986 and $97,600,000 for fiscal year 1987. The bill also extends the FCC's travel reimbursement authority through fiscal year 1987, changes the due date of the Commission's annual management report from January 31 to March 31, and establishes a statutory fee schedule to assess charges for the Commission's regulatory services.

BACKGROUND AND NEEDS

The FCC is the independent agency charged with regulating interstate and foreign communications by means of radio, television, wire, cable, and satellite. Beginning in 1981, Congress adopted

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a 2-year authorization for the FCC (Public Law 97-258), to permit regular oversight of Commission activities. The existing FCC authorization expires at the close of fiscal year 1985 (Public Law 98-214).

The Committee will continue to monitor the Commission's activities to ensure the orderly implementation of communications policy as established by Congress.

CHANNEL EXCHANGES

One issue that will receive special attention by the Committee is the pending FCC rulemaking that proposes to facilitate channel exchanges between noncommercial educational television licensees and commercial television licensees (FCC Mass Media Docket No. 85-41).

During markup of S. 999, two amendments were offered to the bill regarding this rulemaking. Both amendments would have had the effect of precluding completion of channel exchanges between noncommercial VHF licensees and commercial UHF licensees. Supporters of these amendments argued that current educational VHF channels should continue to be reserved for such use to prevent harm to the Nation's public broadcasting system.

The record votes on these amendments established that the majority of the Committee members believe that voting on the merits of channel exchanges is premature, especially because the Committee has not held hearings or otherwise studied this issue for many years. These members strongly believe that the administrative process should run its normal course. The Commission should be allowed to conclude this rulemaking before the Committee determines, with the benefit of the Commission's record, whether congressional action is warranted. These members also believe that if Congress legislatively blocked further Commission action in the midst of the rulemaking, this would set a troubling precedent for future communications issues.

Although these amendments were defeated, the Committee will continue to watch closely the Commission's actions as it proceeds with this rulemaking. If necessary, the Committee will hold hearings on the merits of channel exchanges once the Commission has completed its rulemaking.

FEE SCHEDULE

S. 999, as reported, authorizes the FCC to charge fees for the regulatory services it provides to many of the communications entities within its jurisdiction. These fees are based primarily on the Commission's cost of providing such services. The Committee believes that fees based on cost of regulation principles are an appropriate mechanism by which a portion of the FCC's regulatory expenses may be recaptured.

The fee schedule contained in S. 999 is derived from schedules approved by the Senate in earlier legislation, such as S. 55 (98th Congress) and S. 1377 (97th Congress).

DOMESTIC COMMON CARRIER

The Consent Decree between AT&T and the Department of Justice established the basic structure of the Bell System. The FCC is addressing the problems that divestiture created for Federal and State regulators, AT&T and the regional Bell operating companies, competitors in the long-distance markets, and consumers. The Committee will monitor the FCC's action promoting competition in domestic communications services and equipment markets.

This is an important time for the domestic long-distance market. The Committee supports the Commission's efforts to foster competition. The Committee will continue its oversight of the FCC's implementation of equal access, the Commission's review of policies involving the structure and operation of AT&T, such as the Second Computer Inquiry, and the impact of any policy revisions on competition.

In order to improve its understanding of the state of the long-distance market and the FCC's efforts to promote a strong competitive industry, the Committee will hold an oversight hearing in the summer of 1985.

Continuation of universal telephone service remains a primary concern of the Committee, which will carefully monitor the effect of the FCC's access charge order on the industry, consumers, and businesses both large and small. The Committee will continue to monitor the FCC's actions taken to preserve universal and affordable access to basic telephone service, and will closely watch the impact of rate changes on the poor, the elderly, and rural customers to ensure that these users do not drop off the network because of inequitable rates increases.

INTERNATIONAL TELECOMMUNICATIONS

The Committee is closely monitoring the FCC as it proceeds with its rulemaking pursuant to the executive branch determination that international satellite systems separate from the International Telecommunications Satellite Organization (Intelsat) are required in the national interest (subject to certain conditions and limitations). Applications for separate systems have been pending at the Commission for over 2 years. These applicants propose to offer alternatives to the international services provided by Intelsat. In view of the controversy surrounding these applications and the executive branch decision, the Committee would have the Commission conclude its rulemaking without unnecessary delay after conducting a thorough and complete analysis of the facts and merits of this complex issue.

LEGISLATIVE HISTORY

The Subcommittee on Communications held hearings on FCC authorization and oversight issues on March 20, 1985. S. 999 was introduced by Senator Goldwater, with Senator Hollings as cosponsor, on April 25, 1985. On April 30, 1985, the Committee voted to report the bill with an amendment in the nature of a substitute.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 14, 1985.

Hon. JOHN C. DANFORTH,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 999, the Federal Communications Commission Authorization Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 999.

2. Bill title: Federal Communications Commission Authorization Act of 1985.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science and Transportation, April 30, 1985.

4. Bill purpose: S. 999 authorizes the appropriation of $98.1 million for fiscal year 1986 and $97.6 million for fiscal year 1987 for the Federal Communications Commission (FCC). In addition, such additional sums as may be necessary for adjustments in salary, pay, retirement, other employee benefits and other nondiscretionary costs are also authorized for each fiscal year. The bill also directs the FCC to assess and collect charges for licenses and other services provided by the FCC, which will be deposited in the general fund of the Treasury.

Fiscal year 1985 appropriations to date for the activities authorized by the bill are $93.6 million. The President's 1986 budget includes a request of $92.3 million for the FCC.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990
Authorization level:					
Specified (function 370)	98.1	97.6			
Estimated (function 920)	3.0	3.8			
Total	101.1	101.4			
Estimated outlays:					
Function 370	91.7	97.6	6.4		
Function 920	2.7	3.7	.4		
Total	94.4	101.3	6.8		
Estimated offsetting receipts	−43.4	−43.4			

Including outlays from prior years' appropriations to date, total FCC outlays would be $100.5 million in 1986 and $101.3 million in 1987.

Basis of Estimate: For purposes of this estimate, it was assumed that the amounts authorized in the bill for 1986 and 1987 would be appropriated prior to the beginning of each fiscal year. In addition, authorization for pay and other benefit increases were estimated based on CBO's baseline projections for the Senate Budget Committee. Outlays reflect historical spending patterns.

The estimate of the receipts from fees is based on the FCC's estimate of the number of applications for licenses and other FCC services. The receipts are shown in the table for 1986 and 1987, but would continue to be received in future years if the FCC is reauthorized. Receipts would be about $47 million in 1988 and 1989, and about $51 million in 1990.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: James Hearn.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation:

S. 999, as reported, contains a statutory fee schedule that imposes "cost of regulation" fees on most communications entities now subject to the Commission's jurisdiction. This schedule will not subject any additional communications entities to Commission regulation.

The fee schedule shall take effect within 360 days of the date of enactment of this bill, during which period the Commission must complete a rulemaking to implement the provisions of this schedule. The Committee expects that the Commission will keep any additional paperwork required as a result of the schedule to a minimum, and that such paperwork should have no impact upon the privacy of the respondents. The Committee anticipates that the paperwork associated with the fee schedule will require no more than 15 minutes for the average respondent to complete. Any economic impact as a result of enactment of the legislation is expected to be minimal.

Section-by-Section Analysis

SECTION 1.

The first section states the short title of the legislation.

SECTION 2.

Section 2 of S. 999 amends section 6 of the Communications Act of 1934 (47 U.S.C. 156) to authorize appropriations of $98,100,000 for fiscal year 1986 and $97,600,000 for fiscal year 1987, together with any adjustments resulting from increases in nondiscretionary costs. These authorization levels include the funds needed to implement the statutory fee schedule.

SECTION 3.

Section 3 amends section 4(g)(2) of the 1934 Act (47 U.S.C. 154(g)(2)) to extend the FCC's travel reimbursement program through fiscal year 1987. New subparagraph (E) is added to section 4(g)(2) to authorize the Commission to obligate travel reimbursement funds that are received after the close of a fiscal year.

SECTION 4.

Section 4 amends section 5(g) of the 1934 Act (47 U.S.C. 155(g)) to extend the date by which the Commission must submit its annual management report to Congress from January 31 to March 31.

SECTION 5.

Section 5 adds new section 8 to the 1934 Act. New section 8 authorizes the Commission to collect fees for the following regulatory services:

PRIVATE RADIO SERVICE

1. *Marine Coast Stations.*—(New, Modifications, Renewals). Maritime stations on land which are intended for the transmission of marine radionavigation information or communications for the operation of ships and for convenience of shipboard personnel and passengers. Alaska stations intended are for point-to-point communications within Alaska where no other means of communication is available.

2. *Operational Fixed Microwave Stations.*—(New, Modifications, Renewals). These stations are most commonly used for point-to-point communications. These communications are associated with Aviation, Marine, Public Safety, Industrial and Land Transportation Radio Services.

3. *Aviation Ground Stations.*—(New, Modifications, Renewals). These stations are intended for the transmission of air radionavigation communications for the operation of aircraft. This definition is applicable to the following Part 87 stations: Flight Test, Aviation Instruction, Aeronautical Search, Rescue, Radionavigation Land Test, etc.

4. *Land Mobile Radio Licenses.*—(New, Modifications, Renewals). These stations are used to satisfy the needs of commercial and industrial activities, state and local governments, transportation systems and religious, philanthropic and educational endeavors.

EQUIPMENT APPROVAL SERVICE

1. *Certification.*—An equipment authorization issued by the Commission for equipment designed to be operated without individual license under Part 15 and 18 of the rules. Applies mostly to low power radio frequency devices, some computing devices, receivers which tune anywhere in the band 30 to 890 MHz, CB receivers and some other kinds of Industrial, Scientific and Medical (ISM) equipment.

a. *Receivers (except TV and FM receivers).*—A device for receiving electrical waves and/or signals. These include CB receivers, scanning receivers, radio control and security alarms and receivers tuning between 30 and 890 MHz. TV and FM receivers are excluded as they require only *verification.* A process which allows the manufacturer to be responsible for measurement necessary to insure with appropriate technical requirements. Reports of compliance are not required unless requested by the FCC.

b. *All Other Devices.*—These include nonlicensed transmitting devices (low-power communication devices, personal computers (PC), PC peripheral devices telemetering devices, cordless telephones, TV interface devices; to name a few) and Industrical, Scientific and Medical Equipment (Industrial heating equipment and induction cooking ranges).

2. *Type Acceptance.*—Equipment authorization issued by the Commission for transmitting equipment to be used pursuant to a station authorization.

a. *Approval of Subscription TV Systems.*—Applies to the encoding and decoding schemes for transmission and reception of scrambled pay TV programs over the air. Applicants must show that the requirements of Part 73 of the rules are met by the system.

b. *All Others.*—Applies to certain licensed transmitting equipment such as AM stereo exciter-generators, remote pickup, low power TV, TV translators, intructional TV, FM broadcast translators/boosters, cable TV relay, mobile, maritime radio-telephone, aviation transmitters; to name a few.

3. *Type Approval.*—Equipment authorization issued by the Commission based on examination and measurement of one or more sample units by the Commission at its laboratory. This applies to some compulsorily installed marine safety-of-life equipment, and to some non-licensed devices, including certain ISM devices.

a. *Ship (Radio Telegraph) Automatic Alarm Systems.*—Self-explanatory

b. *Ship and Lifeboat (Radio-Telegraph) Transmitters.*—Self-explanatory

c. *All Others (with testing).*—Examination and measurement testing required of new and major modification of some nonlicensed transmitting devices (wireless microphones telemetering devices) and some Industrial, Scientific, and Medical Equipment (ultrasonic, heating, medical disthermy).

d. *All Others (without testing).*—Applies to equipment previously tested and approved as new equipment, however resub-

mitted for approval under new name or minor modification to original approval.

4. *Notification.*—Process requires manufacturers to test devices for compliance with applicable FCC regulations and to keep records of test data. Manufacturer submits brief application for authorization of device siting that all regulatory requirements have been met. Test data is not required unless requested by FCC.

MASS MEDIA BUREAU

1. *Commercial TV Stations*

Commercial Television Station.—Any UHF station which operates on a channel which has not been reserved for noncommercial use as set forth in the Table of Assignments for television broadcast stations (Section 73.606 of Commission's Rules).

Construction Permit for New Station.—The instrument authorizing construction of a broadcast facility which has not been previously authorized.

a. *New and Major Change Construction Permits Application Fees.*—The charge levied when filing an application for a permit to construct a new station or change frequency or station location of a previously authorized facility.

b. *Minor Changes Application Fee.*—The charge levied when filing an application for a construction permit to make minor changes in previously authorized facility. Minor changes include any change involving power; the installation of a transmitter which has not been authorized by the FCC for use by licensed broadcast stations; any change in the location, height or directional radiating characteristics of the antenna or antenna system; and moving the main studio of a TV station to a location outside the principal community, or to move the studio from one location outside the principal community to another such location.

c. *Hearing Charge.*—The charge when an application is designated for hearing.

d. *License Fee.*—The charge levied when an application is filed for a license to cover a construction permit.

2. *Commercial Radio Stations*

Commercial Radio Station.—Any AM of FM station which operates on a channel which has not been reserved for noncommercial use as set forth in Sectons 73.501 and 73.513 of the Commission's Rules.

Construction Permit for New Station.—The instrument authorizing construction of a broadcast facility which has not been previously authorized.

a. *New and Major Change Construction Permits.*—

(1) *Application Fee AM Station.*—The charge levied when filing an application for a permit to construct a new station or for a construction permit for any increase in power, or any change in frequency, hours of operation or station location.

(2) *Application Fee FM Station.*—The charge levied when filing an application for a permit to construct a new

station or for a construction permit to change frequency or station location.

b. *Minor Changes Application Fee* (AM and FM).—The charge levied when filing an application to make minor changes in previously authorized facilities. Minor changes include the installation of a transmitter which has not been authorized by the FCC for use by licensed broadcast stations; any change in the location, height, or directional radiating characteristics of the antenna or antenna system; any change involving power of an FM station; any decrease in power of an AM station; and moving the main studio location of a station to a location outside the principal community.

c. *Hearing Charge.*—The charge levied when an application is designated for hearing.

d. *License Fee.*—

(1) AM. The charge levied when filing an application for a license to cover a construction permit.

(2) FM. The charge levied when filing an application for a license to cover a construction permit.

Directional Antenna.—A system of one or more towers used to orient of redirect radiation in a certain direction.

e. *Directional Antenna License Fee* (AM only).—The charge levied when filing for a license for a directional antenna.

3. *FM/TV Translators and LPTV Stations.*—(New and Major Change Construction Permits).

FM Translator Station.—A station in the broadcast service operated for the purpose of retransmitting the programs and signals of an FM broadcast station, without significantly altering any characteristics of the original signal other than its frequency and amplitude, for the purpose of providing FM receiption to the general public.

Television Translator Station.—A station in the broadcast service operated for the purpose of retransmitting the programs and signals of a television broadcast station, without significantly altering any characteristics of the original signal other than its frequency and amplitude, for the purpose of providing television reception to the general public.

Low Power Television Station.—A UHF or VHF station that may originate programming or provide a subscription television service. The transmitter power output is limited to a maximum of 1,000 watts for a UHF station and 100 watts for a VHF station.

a. *Application Fee.*—

(1) *FM Translators.*—The charge levied when filing an application for a permit to construct a new station or change frequency (output channel) or authorized principal community or area.

(2) *TV Translators and LPTV Stations.*—The charge levied when filing a application for a new station, any change in frequency (output channel) assignment or any of the followng changes if such will increase the signal range of the station in any horizontal direction.

(i) Transmitting antenna system including the direction of the radiation, directive antenna pattern or transmission line;

(ii) Antenna height;
(iii) Antenna location exceeding 200 meters; or
(iv) Authorized operating power.

b. *License Fee.*—The charge levied when filing an application to cover a construction permit for a new station or major change in previously authorized facilities.

4. *Station Assignment and Transfer Fees.*—

a. *AM, FM, and TV Commercial Stations.*—

(1) *"Long" Form Application Fee.*—The charge levied when filing an Application for Consent to Assignment of Broadcast Construction Permit or License (FCC Form 314) or an Application for Consent to Transfer of Control of Corporation Holding Broadcast Station Construction Permit or License (FCC Form 315).

(2) *"Short" Form Application Fee.*—The charge levied when filing FCC "short" form Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License or Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License (FCC Form 316).

b. *FM/TV Translator & LPTV Stations.*—The charge levied when filing Application for Transfer of Control of Corporate License or Permit for an FM or TV Translator Station, or Low Power TV Station (FCC Form 345).

5. *Auxiliary Services Major Actions—Application Fee.*—The charge levied when filing applications for new stations and changes to existing stations (equivalent to the category "New and Major Changes" in other services), including Remote Pickup, TV Auxiliary Broadcast stations, Aural Broadcast STL and Intercity Relay, and Low Power Auxiliary stations.

6. *Renewals—All Services.*—The charge levied when filing an application for license renewals. The license periods are five years for television broadcast stations and seven years for radio broadcast stations. Auxiliary Service licenses are generally held by licensee of full service AM, FM or TV stations and are renewed automatically whenever the main station license is renewed.

7. *Cable Television Service.*—

Cable Television Service.—A fixed or mobile station used in connection with the operations of cable television systems for the transmission of television, audio and other signals to a cable system or within a cable system (Section 73.5(a) of the Commission's Rules).

a. *Cable Television Relay Service (CARS).*—Filing fees for construction permits, assignments and transfers, renewals and modifications.

b. *Cable Special Relief Petitions.*—Filing fees for petitions filed by a cable television system, a franchising authority, an applicant, permittee or licensee of a television broadcast, translator or microwave relay station, or by any other interested party, seeking waiver of any provision of the rules relating to cable television systems, or the imposition of additional or different requirements, or the issuance of a ruling on a complaint or disputed question.

8. *Direct Broadcast Satellites.*—

Direct Broadcast Satellites.—A radio communication service in which signals transmitted or retransmitted by space stations are intended for direct reception by the general public.

a. *Application Fee.*—Self-explanatory.

b. *CP and Launch Authority.*—An applicant for a DBS facility is first granted an authorization. The applicant then has one year to demonstrate "due diligence" toward construction of the proposed satellite. If the showing is successfully made, a document captioned a construction permit will be issued. The fee is for issuance of this construction permit, which specifies orbital positions and frequencies to be used, as well as granting launch authority.

c. *License to Operate a Satellite.*—Self-explanatory filing fee.

d. *Hearing Charge.*—Self-explanatory.

COMMON CARRIER BUREAU

1. *Domestic Public Land Mobile Stations (Base, Dispatch, Control & Repeater Stations).*—

Domestic Public Land Mobile Radio Service.—A public communications service for hire between land mobile stations wherever located and their associated base stations which are located within the United States or its possessions, or between land mobile station in the United States and base stations in Canada.

Base Station.—A land station is the land mobile service carrying on a service with land mobile stations.

Dispatch Station.—A fixed station, operated by a subscriber, or a group of subscribers, which communicates, under the supervision and control of the base station licensee, through the base station, with the individual subscriber's own mobile station or stations.

Control Station.—A fixed station whose transmissions are used to control automatically the emissions or operations of another radio station at a specified location, or to transmit automatically to an alarm center telemetering information relative to the application of such station.

Repeater Station.—A fixed station established for the automatic retransmission of radiocommunications received from one or more mobile stations and directed to a specific location.

a. *New or Additional Facility Authorizations, Assignments and Transfers (per transmitter/per station).*—Initial authorization to construct and operate common carrier land mobile stations and their associated base stations; approval of major modifications to an authorized facility and consent to assign or transfer control a station authorization.

b. *Renewals and Minor Modifications (per station).*— Renewal of an initial authorization and minor modifications effected on authorized facilities.

c. *Air-Ground Individual License Renewals and Modifications.*—Application for license, renewal or modification for airborne mobile stations for subscribers to a common carrier service for public correspondence.

2. *Cellular Systems.*—A mobile radio system with a high capacity to service subscriber units due to the coordinated reuse of a group of radio channels. A system in which the assigned spectrum is di-

vided into discrete channels which are assigned in groups to geographic cells covering a cellular geographic service area.

a. *Initial Construction Permits & Major Modification Applications (per Cellular System).—*

b. *Assignments and Transfers (per station).—* Self-explanatory.

c. *Initial Covering License (per Cellular System).*—Initial authorization to operate a cellular system.

d. *Renewals.*—Self explanatory.

e. *Minor Modifications and Additional Licenses.*—A minor modification effected on an authorized facility. Application notifying of additional sites or completion of construction of original sites for which the license to cover is not yet filed, requiring additional licenses.

3. *Rural Radio (Central Office, Interoffice or Relay Facilities).*—A domestic public radio service rendered by fixed stations on frequencies below 1000 MHz, used to provide (1) public message communication service between a central office and subscribers located in rural areas to which it is impracticable to extend service between landlines, or (2) public message communication service between landline central offices and different exchange areas which it is impracticable to interconnect by other means, or (3) private line telephone, telegraph, or facsimile service between two or more points to which it is impracticable to extend service via landline.

a. *Initial Construction Permits, Assignments and Transfers (per transmitter).—*

b. *Renewals and Modifications (per station).*—Self-explanatory.

4. *Offshore Radio Service.*—A public communications service for hire between stations located in the offshore coastal waters of the United States and its possessions.

a. *Initial Construction Permits, Assignments and Transfers (per transmitter).—*

b. *Renewals and Modifications.*—Self-explanatory.

5. *Local Television or Point-to-Point Microwave Radio Service.*

Local Television.—Radio communications service for the transmission of television material and related communications.

Point-to-Point Microwave.—A service rendered on microwave frequencies by fixed stations betwen points which lie within the United States or between points to its possessions or to points in Canada and Mexico.

a. *Construction Permits, Modification of Construction Permits, and Renewals of License.—*

b. *Assignments and Transfers of Authorizations.*—Self-explanatory.

c. *Initial License for New Frequency.*—Self-explanatory.

6. *International Fixed Public Radio (Public & Control Stations).*—Stations which are open to public correspondence and which, in general, are intended to provide radiocommunications between any one of the contiguous 48 states, Alaska, Hawaii or any U.S. possession in connection with the relaying of international traffic between stations.

Control Stations.—A fixed station whose transmissions are used to control automatically the emissions of operations of another

radio station at a specified location, or to transmit automatically to an alarm center telemetering information relative to the operation of such station.

a. *Initial Construction Permits, Assignments & Transfers.*

b. *Renewals and Modifications.*—Self-explanatory.

7. *Satellite Services.*—A service that provides access to any authorized satellite for communications purposes.

a. *Transmit Earth Stations.*—Antennas and associated transmitting and receiving equipment which gives access to a communications satellite.

(1) *Initial Station Authorization.*—Authority to construct and/or operate a transmitting earth station for regular private or common carrier communications services or for telemetry, tracking and command functions.

(2) *Assignments and Transfers of Authorization.*—Self-explanatory.

(3) *All Other Applications.*—Any other application for regular or temporary authorization, including but not limited to, modification or renewal of station authorization, temporary authorizations or waivers.

b. *Small Transmit/Receive Stations.*—Small antennas (two meters or less) and associated transmitting and receiving equipment which gives access to a communications satellite.

(1) *Lead Station Authorization.*—Authority to construct and/or operate a small transmit/receive earth station for regular private or common carrier communications services. The Lead Authorization establishes the terms and conditions under which routine authorizations may be granted.

(2) *Routine Station Authorization.*—Authority to construct and/or operate a small transmit and/or receive earth station for regular private or common carrier communications services under the terms and conditions of a Lead Authorization. An application for a routine authorization must identify the Lead Authorization to which it is associated.

(3) *All Other Applications.*—Any other application for regular or temporary authorization, including but not limited to, modification or renewal of station authorizations, temporary authorizations or waivers, and transfers and assignments.

c. *Receive Only Earth Stations.*—Stations licensed only to receive transmissions from communications satellites.

(1) *Initial Station Authorization.*—An authorization or assignment of frequency to a regular commercial received-only earth station for which protection from interference is being requested.

(2) *All Other Applications.*—Same as 7.a.(3) above.

d. *Applications for Authority to Construct a Space Station.*—Self-explanatory.

e. *Application for Authority to Launch and Operate a Space Station.*—Authorization to launch a space station and assignment of an orbital location at which the space station is to be operated.

f. *Satellite System Application.*—All antennas and associated transmit and receive equipment required to operate a single satellite communications system which generally includes a main Transmit Earth Station and many Small Transmit/Receive earth stations. The Application is processed as a total and complete system in bands where frequency coordination is not required for each station site.

(1) *Initial Station Authorization.*—Authority to construct and/or operate a satellite system for regular private or common carrier communications services.

(2) *Assignments and Transfers of System Authorization.*—Self-explanatory.

(3) *All Other Applications.*—Same as 7.a.(3) above.

8. *Multipoint Distribution Service.*—One way domestic public radio service rendered on microwave frequencies from a fixed station transmitting (usually in an omnidirectional pattern) to multiple receiving facilities located at fixed points determined by the subscribers.

a. *Construction Permits, Renewals and Modifications of Construction Permits.*—

b. *Assignments and Transfers of Control (per station).*—

c. *Initial License (first license or a license adding a new frequency).*—Self-explanatory.

9. *Section 214 Applications.*—All circuits (channels) installed or acquired and required to be reported pursuant to Sections 63.03(e), 63.04(e) and 63.07(b) of the Commissions rules.

a. *Overseas Cable Construction Permits.*—Authorization to lay a new cable or cables.

b. *Domestic Cable Construction Permits.*—Authorization to lay a new cable or cables.

c. *All Other 214 Applications.*—Authorization for new channels other than domestic or international cable construction.

10. *Tariff Filings.*—Published charges or regulations for one or more, but not all carriers applicable to communication service between points of a system which is subject to any provision of the Communications Act of 1934 and which participates or engages in such communications service, irrespective of whether it is a terminal or intermediate carrier.

a. *Filing Fee.*—A filing is a Letter of Transmittal with accompanying tariff supplement, revised page, additional page, concurrence, notice of revocation, adoption notice or any other schedule of rates or regulations filed in accordance with Part 61 of the Commissions rules.

b. *Special Permission Filing.*—An application to waive any portion of Part 61 of the Commissions rules.

11. *Telephone Equipment Registration.*—Registration of equipment filed pursuant to Part 68 of the rules. (Terminal equipment and protective circuitry.)

12. *Digital Electronic Message Service.*—A two-way domestic end-to-end fixed radio service utilizing Digital Termination Systems for the exchange of digital information.

a. *Construction Permits, Renewals and Modifications of Construction Permits.*—

b. *Assignments and Transfers of Control (per station).*—

. Initial License (first license or license adding a new frequency).—Self explanatory.

The fee schedule shall be implemented not later than 360 days after date of enactment of S. 999.

New section 8(b) requires the Commission to review these fees every 2 years, and to increase or decrease the fees to reflect changes in the Consumer Price Index (CPI). Adjustments will apply to all fees, but an individual fee shall not be adjusted until the net change in the CPI amounts to at least $5 for fees under $100, or 5 percent of fees of $100 or more. Adjusted fees will be rounded upward to the next $5 increment. The Commission shall notify Congress of any adjustments no later than 90 days before such adjustment takes effect. Adjustments to fees pursuant to this procedure shall not be subject to judicial review, because these changes merely are ministerial, nondiscretionary acts.

New section 8(c) requires the Commission to develop penalty charges that will be assessed for late payment of fees. These penalties will equal 25 percent of the late payment. The Commission is authorized to dismiss applications or other filings to penalize late payment of charges.

New section 8(d) provides that the fees shall not apply to specified radio services: local government, police, fire, highway maintenance, forestry-conservation, public safety, and special emergency radio. The Commission is authorized to waive or defer fee payments in specific instances, where good cause is shown and where waiver or deferment of fees would promote the public interest. The Committee intends that the Commission's discretion to waive or defer fees shall be narrowly defined.

New section 8(e) provides that the fees collected by the Commission under this section will be deposited in the general fund of the U.S. Treasury.

New section 8(f) directs the Commission to prescribe rules and regulations to implement this fee schedule.

Rollcall Votes in Committee

In accordance with paragraph 7(c) of Rule XXVI of the Standing Rules of the Senate, the Committee provides the following description of the record votes during its consideration of S. 999:

During consideration of the bill, there was lengthy discussion on a pending FCC rulemaking that would facilitate exchanges of channels between licensees of noncommercial educational television stations and commercial television stations.

Senator Hollings offered an amendment to S. 999 that would have added a new section to the bill to freeze the table of VHF channels assigned for use by noncommerical educational television stations. On a rollcall vote of 8 yeas and 9 nays the Hollings amendment was defeated.

YEAS—8	NAYS—9
Mr. Hollings	Mr. Danforth
Mr. Long [1]	Mr. Packwood
Mr. Inouye [1]	Mr. Goldwater
Mr. Ford	Mrs. Kassebaum [1]
Mr. Riegle [1]	Mr. Pressler [1]

Mr. Exon [1]
Mr. Gore
Mr. Rockefeller
Mr. Gorton
Mr. Stevens
Mr. Kasten [1]
Mr. Trible

Senator Ford offered an amendment to S. 999 that would have added a new section to the bill to require that any money received by a noncommercial licensee as a result of an exchange of a VHF channel be deposited in the general fund of the United States Treasury. On a rollcall vote of 7 yeas and 9 nays the Ford amendment was defeated.

NAYS—9

Mr. Hollings
Mr. Inouye [1]
Mr. Ford
Mr. Riegle [1]
Mr. Exon [1]
Mr. Gore
Mr. Rockefeller

YEAS—7

Mr. Danforth
Mr. Packwood
Mr. Goldwater
Mrs. Kassebaum [1]
Mr. Pressler [1]
Mr. Gorton
Mr. Stevens
Mr. Kasten [1]
Mr. Trible

On a rollcall vote of 12 yeas and 3 nays, the Committee ordered S. 999 favorably reported, with an amendment in the nature of a substitute.

YEAS—12

Mr. Danforth
Mr. Packwood
Mr. Goldwater
Mrs. Kassebaum [1]
Mr. Pressler
Mr. Gorton
Mr. Stevens
Mr. Kasten [1]
Mr. Trible
Mr. Ford
Mr. Riegle [1]
Mr. Exon [1]

NAYS—3

Mr. Hollings
Mr. Gore
Mr. Rockefeller

Without objection, the Committee authorized the staff to make any necessary technical and conforming amendments to the bill.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes inexisting law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black breackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

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[1] By proxy.

THE COMMUNICATIONS ACT OF 1934

Section 4 of that Act

PROVISIONS RELATING TO THE COMMISSION

SEC. 4. (a)–(f) * * *
(g)(1) * * *
(2)(A)–(C) * * *
(D) The provisios of this paragraph shall cease to have any force or effect at the end of fiscal year [1985] *1987.*
(E) Funds which are received by the Commission as reimbursements under the provisions of this paragraph after the close of a fiscal year shall remain available for obligation.
(h)–(o) * * *

Section 5 of that Act

ORGANIZATION AND FUNCTIONING OF THE COMMISSION

SEC. 5. (a)–(f) * * *
(g) The Commission shall submit an annual report to the Congress not later than [January 31] *March 31* of each year. Such report shall—

(1) list the specific goals, objectives, and priorities of the Commission which shall be projected over 12-month, 24-month, and 36-month periods;

(2) describe in detail the programs which are, or shall be, established to meet or carry out such goals, objectives, and priorities;

(3) provide an evaluation of actions taken during the preceding year with regard to fulfilling the functions of the Commission; and

(4) contain recommendations for legislative action required to enable the Commission to meet its objectives.

Section 6 of that Act

AUTHORIZATION OF APPROPRIATIONS

[SEC. 6. There are authorized to be appropriated for the administration of this Act by the commission $91,156,000, together with such sums as may be necessary for increases resulting for adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1984 and 1985.]

AUTHORIZATION OF APPROPRIATIONS

Sec. 6. There are authorized to be appropriated for the administration of this Act by the Commission, $98,100,000 for fiscal year 1986 and $97,600,000 for fiscal year 1987, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1986 and 1987.

Section 7 of the Act

NEW TECHNOLOGIES AND SERVICES

SEC. 7. * * *

CHARGES

SEC. 8. (a) The Commission shall assess and collect charges listed in this subsection at the rates listed or at such modified rates as it shall establish pursuant to the provisions of subsection (b) of this section.

Schedule of Charges

Private Radio Bureau

Service:	*Fee amount*
1. Marine coast stations (New, Modifications, Renewals)	*$60*
2. Operational Fixed Microwave Stations (New, Modifications, Renewals).	*135*
3. Aviation (Ground Stations) (New, Modifications, Renewals)	*60*
4. Land Mobile Radio Licenses (New, Modifications, Renewals)	*30*

Equipment Approval Service

1. Certification:	
a. Receivers (Except TV and FM Receivers)	*$250*
b. All Other Devices	*650*
2. Type Acceptance:	
a. Approval of Subscription TV Systems	*2,000*
b. All Others	*325*
3. Type Approval:	
a. Ship (Radio Telegraph) Automatic Alarm Systems	*6,500*
b. Ship and Lifeboat (Radio Telegraph) Transmitters	*3,250*
c. All Others (With Testing)	*1,300*
d. All Others (Without Testing)	*150*
4. Notifications	*100*

Mass Media Bureau

Service	*Fee amount*
1. Commercial TV Stations:	
a. New and Major Change Construction Permits Application Fees	*$2,250*
b. Minor Changes Application Fees	*500*
c. Hearing Charge	*6,000*
d. License Fee	*150*
2. Commercial Radio Stations:	
a. New and Major Change Construction Permits:	
(1) Appl. Fee AM Sta.	*2,000*
(2) Appl. Fee FM Sta.	*1,800*
b. Minor Changes Appl. Fee-AM & FM	*500*
c. Hearing charge	*6,000*
d. License Fee:	
(1) AM	*325*
(2) FM	*100*
e. Directional Antenna License Fee (AM only)	*375*
3. FM/TV Translators and LPTV Stations (New & Major Change Const. Permits:	
a. Application Fee	*375*
b. License Fee	*75*
4. Station Assignment and Transfer Fees:	
a. AM, FM and TV Commercial Stations:	
(1) Application Fee (Forms 314/315)	*500*
(2) Application Fee (Form 316)	*70*
b. FM/TV Translators & LPTV Stations	*75*
5. Auxiliary Services Major Actions-Application Fee	*75*
6. Renewals—All Services	*30*

7. Cable Television Service:	
a. Cable Television Relay Service-Constr. Permits, Assignments & Transfers, Renewals & Modifications	*135*
b. Cable Special Relief Petitions-Filing Fee	*700*
8. Direct Broadcast Satellite New & Major Change CPs:	
a. Application for Auth. to Construct a Direct Broadcast Satellite	*1,800*
b. Issuance of CP & Launch Authority	*17,500*
c. License to Operate Satellite	*500*
d. Hearing Charge	*6,000*
1. Domestic Public Land Mobile Stations (Base, Dispatch, Control & Repeater Stations):	
a. New or Additional Facility Authorizations, Assignments and Transfers (Per transmitter/per station)	*200*
b. Renewals and Minor Modifications (Per station)	*20*
c. Air-Ground Individual License Renewals and Modifications	*20*
2. Cellular Systems:	
a. Initial Construction Permits and Major Modification Applications (Per cellular systems	*900*
b. Assignments & Transfers (Per station)	*900*
c. Initial covering license (Per cellular system)	*2,750*
d. Renewals	*900*
e. Minor modifications and additional licenses	*250*
3. Rural Radio (Central Office, Interoffice or Relay Facilities:	
a. Initial Construction Permits, Assignments and Transfers (Per transmitter)	*90*
b. Renewals & Modifications (Per station)	*20*
4. Offshore Radio Service:	
a. Construction Permits, Assignment and Transfers (Per transmitter)	*90*
b. Renewals and Modifications (Per station)	*20*
5. Local Television or Point To Point Microwave Radio Service:	
a. Construction Permits, Modifications of Construction Permits, and renewals of licenses	*135*
b. Assignments & Transfers of Control (Per Station)	*45*
c. Initial License for New Frequency	*135*
6. Internatioal Fixed Public Radio (Public & Control Stations):	
a. Initial Construction Permits, Assignments & Transfers	*450*
b. Renewals & Modifications	*325*
7. Satellite Services:	
a. Transmit Earth Stations:	
(1) Initial Station Auth	*1,350*
(2) Assignments & Transfers of Station Authorizations	*450*
(3) All Other Applications	*90*
b. Small Transmit/Receive Earth Stations (2 meters or less):	
(1) Lead Authorization	*3,000*
(2) Routine Authorization	*30*
(3) All Other Applications	*90*
c. Receive Only Earth Stations:	
(1) Initial Station Auth	*200*
(2) All Other Applications	*90*
d. Applications For Authority To Construct a Space Station	*1,800*
e. Applications For Authority To Launch & Operate a Space Station	*18,000*
f. Satellite System Application:	
(1) Initial Station Authorization	*5,000*
(2) Assignments & Transfers of Systems	*1,333*
(3) All Other Applications	*90*
8. Multipoint Distribution Service:	
a. Construction Permits, Renewals & Modifications of Const. Permits	*135*
b. Assignments & Transfers of Control (Per Station)	*45*
c. Initial License (per channel)	*400*
9. Section 214 Applications:	
a. Applications for Overseas Cable Construction	*8,100*
b. Applications For Domestic Cable Construction	*540*
c. All Other 214 Applications	*540*
10. Tariff Filings:	
a. Filing Fee	*250*
b. Special Permission Filings	*200*

11. Telephone Equip. Registration	*135*
12. Digital Electronic Message Service:	
a. Construction Permits, Renewals & Modifications of Construction Permits	*135*
b. Assignments & Transfers of Control (Per Station)	*45*
c. Initial License (First License or Licence Adding a New Frequency)	*135*

The Schedule of Charges established by this subsection shall be implemented not later than 360 days after the date of enactment of this subsection.

(b) (1) The Schedule of Charges established by this section shall be reviewed by the Commisison every 2 years after the date of enactment of this section and adjusted by the Commission to reflect changes in the Consumer Price Index. Increases or decreases in charges shall apply to all categories of charges, except that individual fees shall not be adjusted until the increase or decrease, as determined by the net change in the Consumer Price Index since the date of enactment of this section, amounts to at least $5 in the case of fees under $100, or 5 percent in the case of fees of $100 or more. All fees which require adjustment will be rounded upward to the next $5 increment. The Commission shall transmit to the Congress notification of any such adjustment not later than 90 days before the effective date of such adjustment.

(2) Increases or decreases in charges made pursuant to this subsection shall not be subject to judicial review.

(c)(1) The Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of charges required by subsection (a) of this section. Such penalty shall be 25 percent of the amount of the charge which was not paid in a timely manner.

(2) The Commission may dismiss any application or other filing for failure to pay in a timely manner any charge or penalty under this section.

(d) (1) The charges established in this section shall not be applicable to the following radio services: Local Government, Police, Fire, Highway Maintenance, Forestry-Conservation, Public Safety, and Special Emergency Radio.

(2) The Commision may waive or defer payment of a charge in any specific instance for good cause shown, where such action would promote the public interest.

(e) Moneys received from charges established in or prescribed pursuant to this section shall be deposited in the general fund of the Treasury to reimburse the United States for amounts appropriated for uses by the Commission in carrying out its functions under this Act.

(f) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

MINORITY VIEWS OF MR. HOLLINGS

I oppose S. 999 because the Committee—by a bare majority—rejected my amendment to protect our public broadcasting system by freezing the VHF television channels assigned for noncommercial, educational use. The majority's rejection, based on mere procedural grounds, is misguided and extremely unfortunate. It ignores some 60 years of vigorous support for educational and public broadcasting by Congress. I can assure everyone that I will continue to press for my amendment at every opportunity.

I, as many of my colleagues, have been very close to public broadcasing for many years. I have seen it take its first tentative steps. I have seen it mature. I have seen it when times were good and when they were not.

During these many years, I have learned much about what makes public broadcasting work and what will bring it difficulties. And while those of us involved with public broadcasting will continue to have spirited arguments about its nature, there are two tenets of policy that we have found to be truly fundamental: (1) Public broadcasting operates outside of the regular marketplace and requires some form of public financing; and (2) it is up to Congress to decide the key issues of public financing and service area, including channel assignment.

I was pleased to read a law review article (*Texas Law Review,* Volume 60, No. 2, February, 1982) where the Chairman of the Federal Communications Commission, Mr. Fowler, agrees with these tenets. While the Chairman has much to say on the subject of public broadcasting in this article, let me just quote from his conclusion:

> This article cannot discuss all the arguments for and against maintenance of public television. This is properly a question for *Congress* . . . because it involves broader questions about public financing . . .
>
> . . . *Congress* must also clarify the purpose of the noncommercial licensing function. *Congress* should either ratify the mission of public broadcasting in the overall scheme for the reserved broadcast spectrum or instruct the Commission to return its frequencies for reassignment to face the rigors of the marketplace . . . (italic added)

Congress, Congress, Congress. The Chairman of the FCC is right on target here. It is up to Congress to make these key decisions.

Why then has the Chairman of the FCC recently twice ignored his own advice? First, he has the FCC initiate a proceeding that goes to the heart of our public broadcasting system—the swapping of VHF public channels for UHF commercial channels. Then, he wants Congress to refrain from acting on this issue when I propose an amendment to freeze these key VHF channel assignments. Mr.

Fowler, go back and read your law review article. You had it right in the first place: Congress should act on the key question of frequency assignments for public broadcasting.

Congress has been deeply involved in and been responsible for public broadcasting since the inception of the broadcast medium. For example, in 1931, during the 71st Congress, Senator Fess (R-Ohio) proposed that at least 15 percent of all radio facilities be set aside for educational, noncommercial use. In the next year, Senators Couzens (R-Michigan), Dill (D-Washington), and Metcalf (R-R.I.) all introduced bills to further the development of educational broadcasting. During the debate on the 1934 Communications Act, there was extensive discussion of the need to use the key broadcast frequencies for educational use. This led to the inclusion of a study, section 307(c) of the Act, of the need for noncommercial radio assignments and to the set aside of AM and FM radio channels a few years later. When television came along, some 20 years later, Congress was again instrumental in ensuring that key channels, those in the VHF band, would be set aside.

Mr. Fowler understands—or at least at one time properly understood—who preempts whom when it comes to public broadcasting policy. The FCC is the one usurping authority. If we the Congress are not in charge, then who in the end is responsible to the public for meeting the important needs public broadcasting fulfills?

The FCC's current rulemaking (MM Docket No. 85–41, Released: March 8, 1985) involving noncommercial VHF/commercial UHF station "swaps" is ostensibly a mere procedural change in how swaps occurs. At the March authorization hearing, the Chairman of the FCC played down the consequences of what he now proposes: ". . . it simply is an option for public broadcasters." The reality, however, is far different.

First of all, the so-called "option" to swap already exists. Stations wanting to do so can come and have come—five UHF/UHF and VHF/VHF swaps have occurred since 1969—before the FCC. The FCC must then under the law conduct a full proceeding, including allowing competing license applications. The FCC's current proposal therefore must be much more than merely giving the "option".

What the FCC is proposing here is the elimination of certain legal requirements, making swaps so much easier and giving the strong impression that these are by and large in the public interest. By giving this substantial impetus to swaps, this proceeding is clearly going directly to a fundamental of public broadcasting: The ability to provide the American people with quality service. That need of the American people to receive quality educational and cultural programming over the airwaves has been of paramount concern to us for over 60 years, and we in Congress have spent all of that time working to ensure that frequencies are set aside so that this goal can be reached. We are not about to give up now, especially since our public broadcasting system has grown so much and has just begun to achieve its potential.

Further credence is given to the fact that a basic policy change has been proposed by the FCC by the many swap offers that have already been made. At the reauthorization hearing, Chairman Fowler stated that the Chacago public television station had received an offer of about $100 million to swap. The Wall Street

Journal reports that public television stations in San Francisco, St. Louis, Phoenix, Minneapolis, Atlanta, and several other cities have been approached with offers.

Look at the look at the letters investment firms have sent public broadcasters. In a January 15 letter, the managing director of Lehman Brothers said, "The recent proposal by Hubbard Broadcasting . . . creates an interesting opportunity for all holders of VHF educational licenses . . . we are sure you could think of many ways to use a cash windfall for your future needs." In a February 1 advisory to its clients, Frazier, Gross, and Kaldec, Inc. states, "The creation of an unprecedented number of new commercial VHF channels may be in the making (because of "swaps")." In an April 5 letter, a senior vice president of Daniels and Associates writes, "What a sale and what a buy (in the Tampa 'swap')! Both sides should be happy . . . We are well aware of the potential value of a VHF station allocated devoted to public broadcasting when there is a commercial operation in the same market using a UHF allocation . . . That is what we want to talk to you about."

Make no mistake about it. We are not talking about some mere procedural change—which by the way is of highly questionable legality—where the Congress should sit back and let the agency work its will. Nor are we simply giving the "local option" to the public broadcaster. Rather, we are presented here with a basic policy change. All of the commercial broadcasters who want to swap know that. All of the public broadcasters approached with offers know that. The investment community knows that. They cannot contain their avarice knowing a gold rush is about to begin. That is why I offered my amendment; there is no mystery about what is occurring. For the majority to turn a deaf ear to these obvious and striking sounds of reality is tragic and distressing.

As Mr. Fowler indicates in his law review article, the programming on public broadcasting fills an important need unmet by commercial broadcasters and cable operators. Several years ago, with the advent of new "educational/cultural" programming services on cable, we thought that the marketplace might support such offerings after all. However, these efforts have not been successful. We are left with the conclusion that, at least for the foreseeable future, our public broadcasting system is essential if we are to meet the needs of the American public.

It was our deep belief about the need for public broadcasting that first led us to battle the commercial broadcasters in the late 1940s and early 1950s and reserve 242 VHF and UHF channels in 1952 for public broadcasting. We then had to work to ensure these reservations continued so that when public broadcasters were ready, the channels would be there. After that, we worked on expanding the system to the over 300 channels, some 120 VHF and 180 UHF, that exist today. Over the past 30 years, we have set in place the technical fundamentals for viable and significant public broadcasting system that can reach the entire American Public. These channels, as many have said, are public broadcasting's "birthright".

Not only have we given public broadcasting the technical potential, we have followed this up by providing the money needed to help get service on the air. The Public Telecommunications Facilities Program has been in place for over 20 years, and it provides

key funding to expand service. It would be ironic—and would confirm the public's worst fears about Government—if we had one part of the Federal Government spending money to expand service while another part was, in effect through swaps, giving money to reduce service.

There is no doubt that VHF signals are far superior to UHF signals, even if the predicted, theoretical, contours are similar. To find out how much better VHF signals are one only need turn to the FCC. In the 1980 Staff Report, "Comparability for UHF Television," the FCC staff stated, "Several improvements in the UHF service have been made, but a significant disparity between the UHF and VHF services continues to exist . . . Twenty-seven percent of the population predicted to receive adequate reception do not receive any picture from the strongest UHF station available to them." (The figure for no VHF picture is 1 percent.) Elsewhere in this report the staff states, "The disadvantages of UHF television are partly the direct result of the laws of physics and partly the result of the decisions that broadcasters make about transmission and that viewers make about reception (although here, too, the laws of physics play a role). We obviously know of no way to repeal the laws of physics. Nor do we know of or expect any technological developments that will render moot the propagation differences of UHF and VHF radio waves."

These conclusions are widely recognized as very sound and are used by the FCC as a basis for policy. For example, on February 4, 1985 (1 month before the "swaps" proceeding began), the Commission, in permitting the expansion of broadcast ownership limits to "12-12-12", stated, "On reconsideration, we find that while there has been demonstrable progress in the viability of UHF television, the inherent physical limitations of this medium should be reflected in our national multiple ownership rules. In this regard, we agree with the UHF Comparability Task Force which found that: Due to the physical nature of the UHF and VHF bands, delivery of television signals is inherently more difficult at UHF. It should be recognized that actual equality between these two services cannot be expected because the laws of physics dictate that UHF signal strength will decrease more rapidly with distance than does VHF signal strength . . . Therefore, with respect to the audience reach limit adopted herein, we believe that owners of UHF stations should be attributed with only 50 percent of an ADI market's theoretical audience reach to account for this disparity."

And for those who still wish to repeal the laws of physics, here are actual numbers that demonstrate the differences between the two types of signals. These are the Weekly CUME (percent Area Homes Viewing a Station During the Week) Ratings for public television stations during November, 1984:

VHF PTV's	Channel	CUME (percent)	UHF PTV's	Channel	CUME (percent)
Chicago	11	56	Buffalo	47	41
Phoenix	8	54	Toledo	30	36
Minneapolis-St. Paul	2	53	San Diego	15	36
Philadelphia	12	50	Cleveland	25	34
Tuscon	6	50	Washington, DC	26	33

VHF PTV's	Channel	CUME (percent)	UHF PTV's	Channel	CUME (percent)
Seattle	9	50	Los Angeles	28	33
San Francisco	9	47	Jackson, MI	32	32
Boston	2	48	Detroit	56	29
Okalahoma City	13	44	Baltimore	67	27
Miami	2	41	Cincinnati	48	26

The differences here are quite striking. About 20 percent fewer homes tune into public television each week in the UHF towns of Washington and Los Angeles than in the VHF towns of Chicago and Phoenix. Just think if you lived in Chicago and found out one morning that because of a swap your children could not watch "Sesame Street" or "Mr. Rogers." Just think if you lived in Phoenix and found out one evening that a swap prevented you from watching "Nova" or "Masterpiece Theater."

VHF signals thus are far superior to UHF signals. That is why they are so important to the public broadcasting system, and that is why Hubbard Broadcasting is willing to pay $50 million to swap in Tampa and others are willing to pay like amounts to swap in other cities. The argument that cable somehow makes a difference is meaningless since the argument cuts both ways: If so many people subscribe to cable and therefore see no difference between VHF and UHF signals, why does the commercial UHF broadcaster want to swap? The argument that hard core viewers will follow the public broadcaster to the UHF chananel ignores the fact that over one-quarter of the viewers on average will not receive the signal. It also ignores those occasional viewers and new veiwers who are essential to the success of public broadcasting.

There are also those who often argue that VHF and UHF signals are comparable and that money is required because advertisers perceive wrongly a difference between these signals. This much used argument is, however, merely a much abused argument. The wrong perceptions of advertisers is not the basic reason for a differential between VHF and UHF; signal incomparability is. If advertisers have been ignorant, they have been so for a very long time, and UHF broadcasters have been fellow dupes since they are asking for less money than their actual audience share would justify. The reality is obviously far different.

Both the advertisers and the broadcasters have always impressed me as tough bargainers. Their relationship is one of equals. Advertisers are the sharpest consumers going; they do not pay something for nothing. Broadcasters are among the best salesmen; they do not give away their product. In addition, Mr. Fowler and his economists at the Commission should be recoiling in horror at the claim that advertisers are so wrong. Aren't the advertisers key to a competitive marketplace? Aren't they the ones in the best position to possess the information required to make proper economic decisions? In the end, the advertiser "stupidity" argument strains believability well beyond its limits.

Not only will swaps result in the loss of service to the American public, it will also jeopardize Government funding. Swaps will realistically occur in only about 20–25 major markets. Those public

broadcasters fortunate enough to swap will have their "endowment", and there is little doubt that this will be used by those who oppose public broadcasting to push to reduce or eliminate government funding. As was alluded to earlier, it certainly will be much harder to justify the facilities grant program giving money to expand service. In addition, the public broadcasters who swap will have less of an incentive to press for government funding.

But what about the hundreds of other public television and radio statins? What will happen to the nationwide public television and radio networks? A basic strength of our public broadcasting system is that it is more than a series of independent operators but an interconnected and dependent whole. That is why people all over the country can receive quality programming. With swaps, we will create a class of haves and a class of have nots. We will no longer have a Public Television Network but rather an "Endowed Television Network" and a "Welfare Television Network". I find it very strange that an FCC that premises so much of its efforts on trying to create new networks will, with swaps, be helping to tear down one of the networks we already have.

Finally, what happens to a "swap" station if the money runs out—a not unlikely occurrence in the world of public broadcasting. In light of the recent failure of several commercial "cultural/educational" programming ventures, it is almost certain the public television programming cannot succeed in the commercial marketplace.

Public broadcasters are very concerned about their financial future. They always have been and that concern has been exacerbated by the actions of this administration. The answer to these problems, however, is not to permit "temporary trustees" to give up something fundamental to the future success of the public broadcasting system. At the reauthorization hearing, I stated:

> And so we are going through those constraints, but let us not momentarily solve the financial problem of any TV stations by selling of the properties. Let us establish what the public good is. They will all just solve their financial problems momentarily. Just as they have indicated, they would love an endowment. They could care less about the long-term viewing public or anything else.

If public broadcasting has financial problems, we should face and solve these problems directly and not by handicapping it for all time.

This issue of channel assignments for educational television is not new to the Senate Commerce Committee. In April, 1953, the Committee held 2 days of hearings on the very same subject before us today. In leading off these hearings, the Chairman of the Committee, Senator Charles Tobey (R-N.H.) stated:

> This whole matter of educational television, speaking for myself and I hope the committee, has tremendous appeal in the public mind. We look upon this thing thusly. Here is the Commission which is charged with the allocation of channels, and all. Here is the air above us that we can use. It seems that educational television would have the first

call in my heart and mind over commercial television. One is a dollars and cents proposition. The other is a great social affair, going out to the youth of this country over the air. Thus the appeal is strong in our mind on educational television.

Later, the Chairman of the FCC, Mr. Walker, was asked:

Senator POTTER. In other words, you want the freeze (on educational television assignments) to continue? Mr. Walker: *I want those educational reservations to remain there for all time.* (italic added)

At the close of the hearings, Senator Tobey concluded:

I see you have touched on the fact that the generations unborn will be the ones who will benefit by this . . . I would like to see things so that when the Commission has spoken, ipse dixit, and said that there are 242 channels (for educational television) they would stay there forever. *"Keep your hands off commercial interests; you have notice."* (italic added)

Just as in 1953, the fate of these educational television assignments is not a partisan issue. We have all stood together for too long in our support of public broadcasting, and I am confident we will continue to. I know where the hearts of all my colleagues lie on this issue. I believe the next time we take a vote on my amendment they will all join me.

ERNEST F. HOLLINGS.

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Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany S. 999]

CORRECTIONS

On page 16, line 13, strike out "NAYS—9 . . . YEAS—7" and insert "YEAS—7 . . . NAYS—9".

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